



Joshua N. Pila
General Counsel
Local Media Group
T 404-327-3286
Joshua.pila@meredith.com

VIA ECFS

Federal Communication Commission
445 12th Street SW
Washington, DC 20554

RE: In the Matter of Children's Television Programming Rules (MB Docket No. 18-202);
Modernization of Media Regulation Initiative (MB Docket No. 17-105)

Dear Madam Secretary,

Meredith Corporation's Local Media Group ("Meredith"), which owns seventeen television stations, applauds the Commission's recognition that broadcast television stations may still serve the educational and informational needs of children while operating under a more flexible regulatory regime. Meredith is committed to all of its viewers, no matter their age or distribution method (e.g., Over-The-Air, cable, satellite, telco, "virtual" MVPD, Over-The-Top), but seeks **flexibility** from the Commission to serve the public interest generally and the educational and informational needs of children specifically.

1. Meredith Supports Flexibility on the "Regularly Scheduled" Definition, Windows, Multicast Channels, and Paperwork

While the Notice¹ seeks comment on a variety of matters, for which Meredith generally supports Commission flexibility, Meredith's comments focus upon the following four areas:

- (A) Removing "Regularly Scheduled" obligations from the Kidvid Rules²,
- (B) Lengthening the Kidvid Rules' time period window,
- (C) Reforming treatment of multicast channels under the Kidvid Rules, and
- (D) Lessening paperwork burdens of the Kidvid Rules.

2. The "Regularly Scheduled" Requirement No Longer Reflects Viewing Patterns and Should Be Eliminated

Meredith supports the Commission's tentative conclusion that the requirement that educational/informational programming be "regularly scheduled weekly programming" be eliminated. Principally, in a world full of YouTube clips, binge watching, and inexpensive DVRs³ the "regularly scheduled" rules no longer make sense. Today's children expect "on demand" programming as they have

¹ Children's Television Programming Rules; Modernization of Media Regulation Initiative; 83 Fed. Reg. 143, 35158 (July 25, 2018).

² Policies and Rules Concerning Children's Television Programming, 11 FCC Rcd 10660 (1996).

³ For example, a cursory review of Amazon.com notes many digital-to-analog converter boxes with DVR functionality on sale for under fifty dollars.

found on their school or home devices, and do not plan for “appointment viewing” for non-live programming like Saturday morning cartoons in the late twentieth century. Furthermore, given the on-demand nature of the PBS Kids App, Netflix, or YouTube, today’s children have become accustomed to watching programs in a back-to-back-to-back manner, often referred to as “binge viewing”.

In addition, the maturation of the TV Listings industry has put searchable programming grids in the palm of Americans’ hands – whether through the remote or a phone or tablet. No longer must Americans subscribe to a newspaper or TV Guide to see the upcoming programming; it’s available for free online and through electronic programming guides. Indeed, new features make programming discoverability as simple as asking Alexa or typing in a search term. With these changes to consumer behavior in mind, the “Regularly Scheduled” requirement is simply untenable.

So long as a television station provides for the educational/informational needs under the statute (which does not require “regularly scheduled” programming), the Commission should not care whether that programming features the same series or airs at the same time each week. One-off programming (e.g., space launches with STEM focuses), programming that airs for less than 13 weeks (e.g., seasonal weather programming focused at children), or programming that airs at different times (e.g., more on school holidays when children are home) can serve the needs of children and the public interest just as well, if not better, than “regularly scheduled” programming.

Furthermore, the burden on both licensees and the Commission’s staff of tracking preemptions and make goods would be greatly decreased if children’s programming counted as children’s programming, period.⁴ The Commission should remove itself from preferring one type of children’s programming (i.e., a 13 week series of 30-minutes in length for each episode)⁵ over other more flexible programming options.

Meredith therefore supports the “safe harbor” proposed by the National Association of Broadcasters. Specifically, NAB’s proposed safe harbor approach would allow TV broadcasters airing a total of 156 hours of core E/I programming annually, with at least 25 hours in each quarter, to qualify for Media Bureau approval of the children’s TV portion of their license renewal applications.

3. The Commission Should Eliminate, or At Least Extend, the Time Period Windows of the Kidvid Rules

Flexibility as to the time of day that children’s programming may air to fulfill a licensee’s obligations matters just as much as what type of programming airs. In the Notice, the Commission seeks comment on whether the 7 a.m. to 10 p.m. time frame required by the Kidvid Rules should be modified or eliminated. In the first instance, Meredith believes that the time period requirements should be eliminated, as the addition of DVRs (or even VCRs) has allowed consumers to stockpile programming for binge watching or watching on their own schedule. In the alternative, the window should at least be extended to 5 a.m. (from 7 a.m.).

⁴ If the Commission removes the “Regularly Scheduled” limitation, relief on preemptions will not be required. To the extent, however, the Commission does not modify the Regularly Scheduled requirement, greater flexibility for preemptions and make goods are necessary. For example, a wider make good windows or a certain number of acceptable missed make goods.

⁵ These Comments should not be construed as exhaustive and Meredith does not waive any arguments or challenges based upon these Comments, such as the permissibility of the Children’s Television Act or the Commission’s implementing rules under the First Amendment to the U.S. Constitution.

First, Meredith has been forced to preempt local news or public affairs programming to air children's programming make goods (which were originally preempted by live sports or other live programming). Providing an extra 14 hours a week for children's programming to air (on any and all streams) will allow television stations to attempt to avoid some of these preemptions of locally-important programming.

Second, Americans are waking up earlier for commuting or non-traditional hours. Local television stations have addressed that trend by starting local news as early as 4 a.m.⁶ Indeed, at least some PBS stations air children's programming on their main stream prior to 7 a.m.⁷ The fact that PBS stations air children's programming prior to 7 a.m. indicates that they believe children will be watching prior to 7 a.m.

4. The Commission Should Reform the Treatment of Multicast Channels Under the Kidvid Rules

Meredith supports the Commission's tentative conclusion that stations should be granted **flexibility** as to which streams air children's programming to meet the requirements of the Kidvid Rules and the underlying statute. Meredith supports the Commission's proposed flexibility here because digital over-the-air television has matured with a great number of multicast streams that consumers watch. Consumer devices now easily include .2, .3, .4, etc. streams adjacent to the main programming stream when changing channels or reviewing an electronic programming guide.

The Commission's tentative conclusion is right - obligations are that of the "station" or "licensee" (and should not be obligations of each individual stream). At a baseline, over-the-air is over-the-air. Viewers have access to Channel 4.3 the same as they have access to Channel 4.1.⁸

Broadcaster choice of multicast channels is important because some channels may not have programming that matches children's programming. For example, Meredith has received consumer complaints regarding children's programming airing on 24-hour radar multicast channels. The Commission therefore should specify that compliance is required for the station as a whole, not each individual stream, and should allow stations to comply with the obligations on any stream the station chooses.⁹

5. The Commission Should Lessen the Paperwork Burden on Licensees and Its Staff

The Commission should move to a simple, streamlined annual certification to provide licensees **flexibility** of reporting their compliance under the (hopefully revised)¹⁰ Kidvid Rules. The certification should be due no earlier than 30 days after the end of the calendar year or of a license renewal term anniversary (if that is easier for the Commission's systems and staff). The online public file provides an easy location to include this material, but it could also be run through the License Management System

⁶ See, e.g., <https://www.broadcastingcable.com/news/wfld-chicago-adding-4-am-newscast-164517>

⁷ For example, on August 27, 2018, the Atlanta PBS main stream included Ready Jet Go! at 6 a.m. local time and Odd Squad at 6:30 a.m. local time. The PBS Kids multicast channel airs nearly 24 hours a day of children's programming. On the same day, the Arizona PBS main stream aired Wild Kratts at 6 a.m. and 6:30 a.m. local time.

⁸ The Commission can resolve concerns regarding the voluntary transition to ATSC 3.0 Next Generation Television as part of the approval process for simulcasting and does not need to address the issue here.

⁹ To the extent certain commenters may be concerned that multicast streams are not carried by MVPDs or OTT platforms, there are other children's programming options available on those platforms (e.g., Disney Channel or Nickelodeon), and the focus of the Commission's Kidvid Rules is on **broadcast licensees** – not retransmitters.

¹⁰ Since the Kidvid Rules will hopefully change as a result of the Notice, at this time it's impossible to describe what certifications should be required.

(LMS).¹¹ The current children's programming reports (Form 398) span dozens of pages per station on a retrospective basis, with highly granular data of little use to parents. Why would a parent want to know if 3 months ago a television station preempted a children's program on a certain date and time and then made it good the next week at a certain place and time?

Promotion efforts such as crawls and use of programming guides provide this information to parents in near real time. Television stations have no need for unsatisfied viewers or parents of viewers, and therefore strive to keep them informed of where and when to find programming. In fact, one of the most important elements of running a successful television station is making it easy for the viewing audience to find programming they want so that ratings can increase.

The annual certification must be simple, straightforward, and to the point. It may contain a sampling, like Issues and Programs reports, but the Commission should not shift four quarters of burden into a single burden. The Commission has ample enforcement resources to demand backup for the certifications if necessary.

6. Meredith Supports Flexibility in Other Proposals Related to the Kidvid Rules

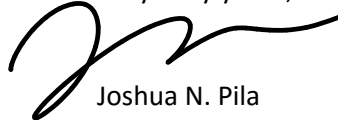
While Meredith does not comment upon each and every inquiry in the Notice, Meredith generally supports **flexibility** in revising the Kidvid Rules. For example, while not commenting extensively on compliance by sponsoring outside-the-OTA-signal items, Meredith believes that the Commission should grant *co-owned*, *same-market* stations the ability to choose which station carries how much of the required children's program. If two stations have a certain obligation between them, maybe one station carries 80 percent of the burden while the other carries 20 percent of the burden. Either way, that programming is available over-the-air to the public.

Meredith also generally supports more flexibility in the amount of time each piece of children's programming airs (i.e., other than 30 minute blocks), availability of non-broadcast showings of compliance, clearing up the Commission's processing guidelines, and reforming E/I bug and program listings obligations. Meredith fully supports the initial comments of the National Association of Broadcasters in these and other matters.

7. In Conclusion, the Commission Has the Opportunity to Provide Licensees Flexibility While Respecting Statutory Requirements and the Public Interest

Meredith urges the Commission to bring flexibility to the Kidvid Rules. In particular, Meredith supports (A) removing "Regularly Scheduled" obligations from the Kidvid Rules, (B) lengthening the Kidvid Rules' time period window, (C) reforming treatment of multicast channels under the Kidvid Rules, and (D) lessening paperwork burdens of the Kidvid rules. Meredith also generally supports other efforts to provide licensees with flexibility under the Kidvid Rules, including suggesting that co-owned, same-market stations be accorded the flexibility to share in obligations at the split their owner finds desirable.

Very truly yours,



Joshua N. Pila
General Counsel – Local Media Group

¹¹ The online public file is already used for issues and programs reports and annual EEO reports.